



# KANSAS DEPARTMENT OF CORRECTIONS

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|   | <b>INTERNAL<br/>MANAGEMENT<br/>POLICY AND<br/>PROCEDURE</b> | SECTION NUMBER   | PAGE NUMBER |
|  |   | 14-137A  | 1 of 8      |
|  |   | <b>PAROLE SERVICES: Encouraging Pro-Social Behavior and Responding to Violations</b> |             |
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## POLICY STATEMENT

Case management should include regular feedback from the parole officer to the offender, identifying points of progress, intervening when problems arise, and recognizing and responding to behavior, both positive and negative. Pro-social behavior by the offender should be encouraged, modeled, acknowledged and rewarded when possible. Violation of any condition should be met with a response that is swift, certain, and appropriate. Responses to violations should be based upon public safety, the circumstances of the violation, and the assessed criminogenic risk and needs the offender presents. (4-APPFS-2B-11)

## DEFINITIONS

**Condition:** Any requirement imposed by the releasing authority or the parole officer on the offender for compliance with a specific rule or behavior, whether mandatory or prohibitive, during the period of the offender's supervision. Conditions are not the same as goals in the case plan, though a goal can support a condition or a condition can support a goal.

**Diversion Agreement:** An agreement citing the offender with a violation of one or more terms of supervision, setting out specific additional requirements or conditions to be satisfied to avoid revocation, and agreeing that once those conditions are satisfied within a specified time period, the violation will be considered resolved. As a condition to the diversion agreement, the offender must admit the violation occurred, and participate in a discussion with the parole officer about the cause of the violation and means for preventing further such violations.

**Intervention:** A measure taken to influence offender behavior. The goal of imposing an intervention is to increase the likelihood of successful offender re-entry by addressing an offenders risk or need, or in making progress under his or her case plan. An intervention can include any of the options set out in this policy, and approved strategies that may effect a behavioral change in the desired direction. Interventions may be imposed either proactively or in response to a violation. See Attachment B for a list of interventions and definitions.

**Revocation:** The interruption of probation, parole or post release supervision in response to violation behavior, after a finding made by the Prisoner Review Board (PRB) or releasing authority.

**Violation:** Action or inaction by an offender that constitutes a violation of the term(s) of a condition(s) of supervision as imposed by the releasing authority or parole officer.

Weapon: Firearms, ammunition, explosive devices, any device designed to expel or hurl a projectile capable of causing injury to persons or property, any instrument or tool used with the intent to cause harm, or any weapons prohibited by law. This includes bows and arrows and crossbows, brass knuckles, throwing stars or any other weapons as defined in KSA 21-6301. Also included are knives that can be automatically opened by the user, knives disguised as common items, or any knife with a blade longer than two inches in length. Exceptions are made for knives used for employment and kitchen knives when used for food preparation or consumption.

## **PROCEDURES**

### **I. Encouraging Pro-Social Behavior**

- A. In contacts with offenders, Parole Officers shall model, encourage, and reinforce pro-social behavior in order to reduce the likelihood of violations of conditions of supervision.
- B. When discussing the conditions of supervision with an offender, the parole officer shall include information, insight and recommendations for how possible violations of these conditions can be prevented, including discussion about pro-social activities and companions.
- C. The offender shall be encouraged, supported, and reinforced in his or her efforts at prevention of violation or unlawful behavior, as observed by the parole officer. These positive reinforcements shall be recorded in the chronological entries in TOADS.
- D. One of the primary goals of case management shall be to establish goals addressing assessed criminogenic risk and needs to prevent behavior that violates conditions of release. As part of this risk management strategy, if the offender is failing to make progress under the case plan and/or engages in high-risk, negative, or anti-social behavior that could lead to a violation of conditions of release, that behavior shall be addressed and adjustments made as necessary. Further, changes in strategies for supervising the offender shall be considered with the emphasis on increasing desired behavior.
- E. Actions that may be used to encourage, recognize or reward prosocial behavior are defined in Attachment A and include, but are not limited to:
  - 1. Verbal praise;
  - 2. Certificate reflecting compliance;
  - 3. Verbal or written praise from a supervisor or the Parole Director;
  - 4. Enhanced travel flexibility;
  - 5. Removal of condition or modification of a condition to make it less restrictive;
  - 6. Reclassify supervision level and reduce number of times the offender reports to the parole office;
  - 7. Letter of Recognition;
  - 8. Public recognition and/or recognition event;
  - 9. Request early discharge;
  - 10. Other appropriate recognition; and/or
  - 11. Use of EPICS forms or other Cognitive Behavioral Intervention to highlight and reinforce positive behavior.

- F. Community based interventions may be imposed proactively or in response to a violation, with the goal of positively influencing offender behavior. Interventions that may be used are defined in Attachment B and include, but are not limited to:
1. Verbal or written reprimand;
  2. Accountability meeting;
  3. Multidisciplinary Team meeting;
  4. EPICS tools;
  5. Thinking Report;
  6. Cognitive Behavioral Intervention;
  7. Employment assistance or referral which may include OWDS, Voc-Rehab, etc.;
  8. Referral for a program or services related to an area of need such as cognitive-behavioral programs, SAP, substance abuse, education, batterer intervention, budgeting/financial, etc.);
  9. Treatment Referral (assessment for diagnosis and recommendations related to mental health substance use or other medical concerns);
  10. Referral for support services (Mentor, Recovery Coach, Support Groups, RADAC group, etc.);
  11. Increased reporting;
  12. Increased substance abuse testing;
  13. Develop a budget and/or payment agreement;
  14. Community Service Work;
  15. Transportation assistance (bicycle, bus pass, etc.);
  16. Housing Assistance;
  17. GPS/Electronic Monitoring;
  18. Curfew;
  19. Structured living;
  20. House Arrest;
  21. Jail;
  22. Assessment of delinquent time;
  23. Contact restrictions for specific individuals; and/or
  24. Travel restriction for specific locations.
- G. Parole staff shall utilize interventions that best meets the circumstances of the case and risk reduction needs of the offender, and shall consider the factors discussed in section II. (4-APPFS-2A-06),

## II. Responding to Violations

- A. When responding to violations, the parole officer should keep in mind the offender's risk to the community and likelihood of behavioral changes with appropriate interventions. It is important that parole officers respond to all violations and undesired behavior. Every violation of a condition of release shall be met with a swift, certain, and appropriate response. (4-APPFS-2B-02)
1. When the parole officer determines that a violation has occurred, a response shall be initiated within three (3) working days.
    - a. Multiple violations of a similar nature which occur together/on or about the same date should be documented and responded to together. For example, admitting to use of cocaine and marijuana on/about the same date would be one violation entered into TOADS, not two.
  2. When responding to the violation, the parole officer shall:
    - a. When possible and as appropriate, conduct a violation interview with the offender. Determine the offender's attitude toward the offense and willingness to correct the behavior.
    - b. Consider the current assessed criminogenic risk and needs of the offender;
    - c. Consider progress the offender has made or failed to make under supervision. Prosocial supports and positive attributes shall be balanced with the offender's risks and needs in determining whether to initiate revocation;
    - d. Consider the risk of harm the offender presents immediately to the community, to a victim, or to some other specific person;
    - e. Consider the circumstances of the violation and/or arrest, including whether, during execution of an arrest warrant, the offender obstructed or resisted arrest or engaged in fleeing or eluding or the assault or battery of a Special Agent, Parole Officer, or Law Enforcement Officer;
    - f. Consider other factors relevant to determining how to respond, including:
      - (1) Criminal history;
      - (2) Violation history;
      - (3) Objective evidence of motivation to progress or succeed, or the lack of motivation; and
      - (4) Interventions already attempted, or currently in place.
        - (a) Interventions already in process may be utilized to address a new violation of similar nature when warranted to address criminogenic risk/needs.
- B. Parole officers shall consider the factors in section II.A. and make a decision about the most appropriate way to address a violation, considering the following;
1. In general, verbal reprimands should be accompanied by use of an EPICS tool or a cognitive behavioral intervention that will further address the violation behavior involved.

2. Violence towards others is considered a serious violation and revocation is the presumptive response.
    - a. If mitigating circumstances exist, community based alternatives can be considered.
  3. Possession of a firearm or dangerous weapon is a serious violation and revocation is the presumptive response.
    - a. If mitigating circumstances exist, community based alternatives can be considered.
  4. New felony convictions have a presumptive response of revocation.
    - a. If circumstances exist that indicate that a return to custody is not in the best interest of the offender and the community, the parole officer may consult with the PRB regarding options for a community based revocation hearing.
  5. Offenders identified as having a potential need for treatment or programs should be referred to a contracted or KDOC service provider if available. Other qualified providers may be used if KDOC services are not available or if referred by the KDOC provider.
    - a. The treatment/program professional shall determine what treatment response is appropriate and advise the supervising officer accordingly.
  6. Any necessary interventions should be put into effect in a timely manner.
- C. In the following situations, the parole officer shall staff a case with the parole supervisor prior to determining how to respond to a violation:
1. Acts of violence, threats of violence or any other violation of condition 4 "Personal Conduct";
  2. Weapons violations that involve a firearm;
  3. When an offender has failed to cooperate with law enforcement officers, obstructed, or resisted arrest (car chase, foot chase, hid at arrest, etc.);
  4. Absconder arrests;
  5. Unsuccessful program/treatment discharges (SOTP, BIP, Substance Abuse, SAP, Cognitive, etc.);
  6. Repeated or escalating instances of substance abuse, or the use of a substance that, based on the offenders history, has the likelihood of increasing his/her risk to the community;
  7. When a Special Condition or Diversion Agreement is being requested; and/or
  8. If liberty-restricting interventions are being recommended (jail, house arrest, CC residential center).
- D. The Parole Supervisor shall approve the PO's recommended actions and/or provide directives for other options to be taken in case.

### **III. Revocation**

- A. Revocation may be used in response to any violation where the violations are serious, significant, or repeated, or public safety is at risk. Revocation must be approved by the Parole Director or, as designee, the Deputy Parole Director. (4-APPFS-2B-04)
- B. If, after staffing the case with the parole officer, the recommended response to the violation(s) is revocation, the parole officer shall complete a revocation staffing form.
  - 1. The Parole Supervisor shall review the revocation staffing form, ensure that the violations involved have been entered in TOADS, and forward approved forms to the Parole Director for consideration.
- C. If revocation is approved by the Parole Director, the parole officer should proceed according to IMPP 14-142.
  - 1. If the parole director does not concur with the recommendation for revocation, the Parole Director or designee shall suggest (an) appropriate intervention(s).
    - a. The parole officer and Parole Supervisor, in collaboration, are ultimately responsible for implementation of the most appropriate intervention(s).

### **IV. Diversion Agreement**

- A. If the supervising parole officer selects an intervention that will result in the offender being placed in a liberty-restricting environment such as a planned jail sanction, house arrest, or a Community Corrections Residential Program, a diversion agreement shall be completed in TOADS.
- B. A diversion agreement may be used, optionally, for intervention(s) that do(es) not place the offender in a liberty-restricting environment.
- C. The diversion shall be evidenced by a written agreement that specifies:
  - 1. Violation(s) committed;
  - 2. Interventions to be completed, if applicable;
  - 3. Duration of diversion (the time frame necessary to complete the requirement(s) involved);
  - 4. Acknowledgment and waiver of rights that would have been afforded if revocation proceedings had been initiated in lieu of diversion;
  - 5. Acknowledgment by the offender that he/she admits to having committed the violation(s) as alleged;
  - 6. Acknowledgment that failure to abide by the terms of the diversion agreement may result in revocation proceedings being initiated; and
  - 7. Acknowledgment that failure to abide by the terms of the diversion agreement may result in the original violations being used in a revocation proceeding.
- D. A Violation Report is not required at the time of imposition of a Diversion Agreement; however, the violation(s) must be entered in TOADS.
- E. Violations that take place or are discovered after the imposition of a diversion agreement may be used as a basis for revocation.

- F. In revocation proceedings, violations initially prompting the diversion agreement shall be included on the Statement of Charges/Notice of Hearing Form (IMPP 14-142). Since probable cause was previously established by the offender's admission, the hearing officer may use the Diversion Agreement as evidence to address the violations at the Morrissey Hearing.
- G. Once a violation has been resolved by the successful completion of a diversion agreement, the violation shall not be cited as a reason for revocation at a later date. However, the violation may be utilized as a contributing factor in forming a decision for revocation at a later date.

#### V. Use of Jail Days as an Intervention

- A. Use of jail days as an intervention for more than three (3) working days shall require the approval of the Parole Director or designee.
- B. A Diversion Agreement shall be required for jail days as an intervention when:
  - 1. The jail days are planned in advance of the offender's placement in custody; or
  - 2. Prior to the imposition of jail days, for an offender who is already in custody and being required to serve additional jail time.

#### VI. Jail Tracking System

- A. Parole supervisors shall be required to utilize a jail tracking system to monitor the number of days offenders assigned to their unit are in jail and the reason for their incarceration, whether it be condition violations or new felony charges.

#### VII. Documentation

- A. All violations shall be recorded in TOADS as soon as possible but no more than five (5) days after becoming aware of the violation.
  - 1. Multiple violations of a similar nature that occur together/on or about the same date should be documented and responded to together. For example, admitting to use of cocaine and marijuana on/about the same date would be one violation entered into TOADS, not two.
- B. Interventions that are listed below, which have been designated for data entry, shall be entered in TOADS within five (5) days of intervention imposition.

| Intervention Category: | Cognitive Interventions  | Domestic Violence   | Restrictions  | Sex Offender  | Substance Abuse  |
|------------------------|--|---|---|---|--|
| Intervention Type:     | <ul style="list-style-type: none"> <li>▪ Thinking for a Change Program</li> <li>▪ TAG</li> <li>▪ Other Cognitive Programs</li> </ul> | <ul style="list-style-type: none"> <li>▪ Certified Batterer Intervention program</li> </ul> | <ul style="list-style-type: none"> <li>▪ GPS</li> </ul>           | <ul style="list-style-type: none"> <li>▪ SO Treatment - outpatient</li> </ul> | <ul style="list-style-type: none"> <li>▪ SAP</li> </ul>  |
| Comments:              | Programs other than T4C, Advanced Practice and other cognitive groups should be captured as "other cognitive program."               | Includes services provided by KDOC staff or community based providers                       | Must include services provided by KDOC's contracted GPS provider. | Must include services provided by KDOC's contracted provider.                 | Include services provided by parole and/or community corrections staff or KDOC contracted providers. |

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS REQUIRED**

None.

#### **REFERENCES**

KSA 21-6301  
IMPP 14-142  
4-APPFS-2A-06, 4-APPFS-2A-07, 4-APPFS-2B-02, 4-APPFS-2B-03, 4-APPFS-2B-04, 4-APPFS-2B-11

#### **ATTACHMENTS**

| <b>Attachment</b> | <b>Title of Attachment</b>    | <b>Page Total</b> |
|-------------------|-------------------------------|-------------------|
| A                 | Reinforcement and Recognition | 1 page(s)         |
| B                 | Interventions and Definitions | 2 page(s)         |



### **Reinforcement and Recognition**

**Reinforcement efforts should occur on a regular basis to acknowledge, support, and encourage positive behavior. The efforts may include but are not limited to the items on this list.**

Compliance certificate - A written certificate given by the parole officer to the offender that recognizes completion of a specific program, goal or other desired outcome.

Cognitive Behavioral Intervention – A process for learning and problem solving that evaluates individuals' beliefs and/or thinking patterns in order to help change a behavior or emotional state. The process may also be used to identify and reinforce positive behavior and/or prosocial decision making.

Enhanced travel flexibility - Permission given to the offender for specific events, or in general, that expands the range of travel authorized for the offender.

EPICS tool - Tools that follow evidence based approach to corrections and use specific steps to facilitate effective communication and/or case management processes with offenders. Tools used to reinforce positive behavior include the Effective Use of Reinforcement, Effective Use of Authority, the Behavioral analysis, RACE, the Cognitive Model and the Problem Solving form. A Decisional Balance document may also be used.

Letter of Recognition - Letter from parole officer or parole supervisor that provides reinforcement to the offender for desired behavior.

Modification of condition - Change in a condition of supervision that makes it less rigid or gives the offender more flexibility or ability to do certain things that were previously disallowed.

Public recognition - Public acknowledgement of an accomplishment by the offender, which could include bringing the offender and his/her family to a small celebratory get-together for recognition, such as a unit or team meeting or a special event scheduled and conducted for the purpose of recognizing accomplishments of several offenders; or it could involve a team of staff going to the offender's home in appropriate circumstances to recognize the offender in the family setting.

Reclassify supervision level - Either through a reassessment or an override, establish the offender at a lower classification level to reduce reporting requirements.

Removal of condition - With permission from the Prisoner Review Board (PRB) or releasing authority (when the Board imposed the condition), or after staffing with the parole supervisor when the condition was imposed by the parole officer, removal of a specific condition of supervision.

Request early discharge - Submit an application recommending that the offender be permitted to discharge supervision early, or prior to the scheduled discharge date.

Verbal Praise - Giving the offender verbal reinforcement for desired behavior. May be provided by the Parole Officer, Program Provider, Parole Supervisor or Parole Director.

Written Praise - Giving the offender a letter which reinforces the desired behavior, either by the Parole Officer, Program Provider, Parole Supervisor or Parole Director.

### **Interventions and Definitions**

**This list includes many but not all of the interventions that may be used by parole staff.**

**The items listed may be used pro-actively or in response to a violation.**

Accountability Meeting - A meeting between the offender and the parole officer and parole supervisor, parole director, or other position of authority to discuss violations, review case plans and progress on supervision, and as needed, redirect problematic behavior.

Budget and/or Payment Plan – Review of offender's financial status to include planning for how they can meet their financial responsibilities.

Cognitive Behavioral Intervention - A process for learning and problem solving that evaluates an individuals' beliefs and/or thinking patterns in order to help change a behavior or emotional state.

Community Service Work - Service to approved community agencies or to KDOC supervised work . Procedures for placement as set out in IMPP 14-167 shall be used. The officer sets the number of hours based on the circumstances of the violation: a minimum of 4 hours and a maximum of 80 hours.

Curfew - A specified daily time period during which an offender must be present at their designated, approved residence.

Day Reporting Center - A highly structured non-residential program of interventions, supervision, and programming for adult felony offenders who have violated conditions of supervision, and would otherwise be returned to prison.

Delinquent Time - delinquent time added to sentence after being declared an absconder and returned to supervision.

Education Referral - Referral to an educational service or program, which may include, but is not limited to, literacy classes, GED study, continuing education or college courses,

Electronic Monitoring/GPS - Placement with a contracted community corrections program which has electronic monitoring equipment, or a designated KDOC contractor who has electronic monitoring/global positioning equipment. The officer sets time periods unless the contractor has a minimum time period. Electronic monitoring where work/leaving the home is an option should not exceed 90 days.

Employment Assistance- individualized job preparation assistance or referral to employment site or employer, employment training.

EPICS Tools - Tools that follow evidence based approach to corrections, and use specific steps to facilitate effective communication and/or case management processes with offenders. Verbal EPICS tools include Role Clarification, Effective Use of Reinforcement, Effective Use of Disapproval and Effective Use of Authority. Written EPICS tools include the Behavioral analysis, RACE, The Cognitive Model and the Problem Solving form. A Decisional Balance document may also be used.

Financial Assistance - the use of community based resources or voucher funds (IMPP 04-102A) to provide limited financial assistance that is necessary to support positive reenter to the community or stabilize for effective case management. May include equipment needed for employment, housing, medication, medical equipment, treatment/program evaluation fees or other necessary items.

Housing Assistance - provide temporary lodging, placement transitional housing, referral, financial assistance to secure housing, assistance with oxford house placement, etc.

House Arrest - Offenders may be placed on house arrest for a period to not exceed 30 days where they are unable to leave the home to work or to seek work. House Arrest may be used in lieu of jail days in locations where the jail intervention is not available.

Increased Reporting - The number of personal contacts with the parole officer is increased beyond the minimum contact requirements established by policy.

Increased Substance Abuse testing - Testing by an approved KDOC system. May include daily call in to determine if the offender shall report to be tested.

Jail - A period of time in local detention for a specific number of days. Planned jail time requires the use of a Diversion Agreement.

Multidisciplinary Team Meeting - A meeting between parole staff, a treatment provider, an offender, and any others involved in the case, for the purpose of evaluating an offenders performance on supervision, reinforcing positive behavior, and providing any guidance that may be necessary.

Contact Restriction - An intervention that places limits on the frequency of contact with (a) specific individual(s).

Program Referral - A referral to employment, cognitive, education, financial, batterer intervention or other appropriate program or service.

Structured Living - Placement in a community based halfway house, a Community Corrections Residential Center, or other structured residential environment or program. The officer sets the time period for the stay, unless the program has a required residence period.

Support Services – may include a referral for a recovery coach, a mentor program, or support groups that are available as a community resource. Type of support group may vary; 12-step programs may be encouraged but should not be required.

Transportation Assistance – provide offender with a bicycle, bus pass or other means of transportation, or make a referral to a community agency that can assist the offender with transportation.

Travel Restriction - Limitations on travel to specific geographic areas, or general travel that may be requested for in-state or out-of-state.

Treatment - Any KDOC contracted treatment program, or community based treatment program approved by the KDOC. This may include substance abuse, mental health, medical or other appropriate services.

Verbal/Written Reprimand - Verbal or written reprimand given by the supervising officer, the Parole Supervisor or designee, to the offender. The problem behavior and/or violation involved and any related expectations for behavior change should be discussed.

Thinking Report: A tool where the offender discusses, usually in writing, the thought processes that resulted in his/her negative behavior, the consequences of the behavior, and other aspects of the event that require the offender to reflect on internal thought processes. Approved formats for use include T4C's Thinking Report, SAP's Behavior Chain, and EPICS's Cognitive Model with Replacement thoughts.